

REMARKS/ARGUMENTS

Claims 1-7 and 28-35 are pending and presented for examination. Claims 6, 7, and 29 would be amended. After entry of these amendments, claims 1-7 and 28-35 will be pending.

The present Amendment is supplementary to the Amendment filed on December 29, 2003 and is to be considered together with the prior Amendment.

Support for the Amendments

Claim 6 would be amended to recite "wherein the molecule is a protein having an amino acid sequence which comprises a first subsequence having the amino acid sequence of the peptide angiogenic factor and a second subsequence having the amino acid sequence of the targeting peptide." Support for this subject matter is found in the original version of the claim and in the specification at p. 13, line 29.

Claims 7 and 29 each depend from claim 6 and each would be amended to delete the term "fusion." Support for the subject matter is found in the original versions of the respective claims and as set forth above for claim 6.

Supplementary Remarks in Response to the After Final Advisory.

A. The Antecedent Basis for the Recital of "Fusion Protein" in Claim 6.

In response to the Advisory, Applicants have amended claims 6, 7 and 29 to delete the recital of "fusion." Applicants believe the amendments to these claims obviate the grounds for the objection.

B. The Olofsson et al. reference

The Examiner alleges the Olofsson reference was duplicative of the Rusholati et al. reference and need not be cited on PTO Form 892. Applicants respectfully disagree. The Rusholati et al. reference is not prior art as discussed in the previous Amendment filed on

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December 29, 2003. To obviate the concern, however, Applicants submit herewith an IDS
disclosing the Olofsson et al. reference.

C. Peptidyl Subject Matter Requiring a New Search

Many of the references cited by the Examiner concern fusion proteins which have domains linked by peptidyl bonds (*see*, for instance, the Office Action of Paper 18 at page 11). To obviate the issue, however, the Applicants have filed the present RCE to obtain the requested examination.

D. The Prior Grounds for Rejection

The Amendment filed on December 29, 2003 explains that the Rusholati et al. reference (U.S. Patent No. 6,303,573) is not prior art and, hence, that the anticipation and nonobviousness rejections which rely on this reference are improper.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 925-472-5000.

Respectfully submitted,


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